

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 6/20/2016

BOARD MEMBERS PRESENT: Brad Janoush - Chair
Eric J Brinton
Douglas D Vollmer
Paul J Morgan
H. Scott Calhoun

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Landon Brown, Prosecuting Attorney
Roger Hales, Attorney
Cherie Simpson, Management Assistant
Deborah Sexton, Management Assistant

The meeting was called to order at 8:30 AM MDT by Brad Janoush.

APPROVAL OF MINUTES

Mr. Vollmer made a motion to approve the minutes of 4/18/2016. It was seconded by Mr. Morgan. Motion carried.

AGENDA

Mr. Calhoun made a motion to amend the agenda to add case REA-2016-7 due to it just being received over the weekend and the Board not meeting again until August. It was seconded by Mr. Vollmer. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that proposed law changes are due to the Governor's Office by August 1, and proposed rule changes are due to the Governor's Office by the third week in August for the 2017 Legislature.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$225,192.34 as of 5/31/2016.

DISCIPLINE

Mr. Brown presented a Stipulation and Consent Order in case numbers REA-2016-2, REA-2016-4, and REA-2016-6. Mr. Vollmer made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Brinton. Motion carried. Mr. Morgan was recused from case numbers REA-2016-2, REA-2016-4, and REA-2016-6.

Mr. Brown presented a Stipulation and Consent Order in case REA-2016-7. Mr. Calhoun made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Vollmer. Motion carried. Mr. Brinton was recused from case REA-2016-7.

INVESTIGATIVE REPORT

Ms. Rightnowar gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Brinton was recused from the four cases listed below.

Mr. Morgan made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2016-10. It was seconded by Mr. Vollmer. Motion carried.

Mr. Vollmer made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2016-14. It was seconded by Mr. Morgan. Motion carried.

Mr. Morgan made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2016-16. It was seconded by Mr. Calhoun. Motion carried.

Mr. Morgan made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2016-17. It was seconded by Mr. Calhoun. Motion carried.

The Board reviewed the probation log.

The Board reviewed a request to be released from probation from Lynn Peterson in regard to case # REA-2015-3. Mr. Vollmer made a motion to release Lynn Peterson from probation. It was seconded by Mr. Brinton. Motion carried.

Discipline and Supervisors

Mr. Ellsworth discussed with the Board the issue of supervisors who have been disciplined and are providing supervision. The Board requested that Mr. Ellsworth draft a proposed rule change that supervisors who are disciplined may not continue to supervise but give the Board flexibility to waive the requirement and allow them to supervise in certain circumstances.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

Mr. Hales reviewed the proposed rules with members of the Board.

The Board discussed fees that are collected and submitted to the Appraisal Subcommittee (ASC) and a possible law change to allow a pass through on fees that are collected and submitted to ASC. Mr. Calhoun made a motion to request that the Bureau submit the legislative idea to the Governor's Office and prepare a law change for the Board to review at the August meeting. It was seconded by Mr. Vollmer. Motion carried.

The Board discussed the fact that the current appraisal laws and rules require review appraisers to be licensed or certified in the State of Idaho if completing appraisals or appraisal reviews of properties located in Idaho. If one is performing standard three reviews of appraisals of properties located in Idaho, they are required to have a license or certification of a scope appropriate for the property.

The new AMC law allows for standard three reviews of appraisals on Idaho properties that do not provide an opinion of value to be completed by appraisers who are licensed or certified in Idaho or another state. If the standard three reviews include an opinion of value by the reviewer then they are required to be credentialed in Idaho. This applies only to reviews completed by or for a registered AMC. This law does not take effect until July 1, 2017.

Mr. Hales will follow-up with the Board's subcommittee regarding adding an "appraisal review" definition to the Board's law and also review a draft of the proposed rules with the subcommittee prior to the August Board meeting.

Mr. Toryanski reviewed a proposed change to Idaho Code 54-4106 that would take the Board from a five member Board to a six member Board. Mr. Vollmer made a motion to direct the Bureau to submit the legislative idea to the Governor's Office. It was seconded by Mr. Brinton. Motion carried.

Website

The Board reviewed and approved a statement regarding information for AMCs be added to the website.

NEW BUSINESS

The Board reviewed correspondence from ASC regarding the 2017 Compliance Review schedule. The Board scheduled a Board meeting for April 21, 2017 at 8:30 AM.

Association of Appraiser Regulatory Officials (AARO)

Mr. Calhoun made a motion to pay the expenses for two Board members and one staff person to attend the AARO fall conference. It was seconded by Mr. Vollmer. Motion carried.

EXECUTIVE SESSION

Mr. Calhoun made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Vollmer. The vote was: Mr. Janoush, aye; Mr. Morgan, aye; Mr. Vollmer, aye; Mr. Calhoun, aye; and Mr. Brinton, aye. Motion carried.

Mr. Vollmer made a motion to come out of executive session. It was seconded by Mr. Morgan. The vote was: Mr. Janoush, aye; Mr. Morgan, aye; Mr. Vollmer, aye; Mr. Calhoun, aye; and Mr. Brinton, aye. Motion carried.

APPLICATIONS

Mr. Calhoun made a motion to table applicant # 901124232 until additional information has been submitted. It was seconded by Mr. Morgan.

Mr. Calhoun amended the motion above to approve applicant # 901124232 pending additional information submitted to the Board and reviewed by a Board member. It was seconded by Mr. Calhoun. Motion carried.

Mr. Morgan made a motion to approve Jean Pierre Lomonaco and Thomas Heath for temporary permits. It was seconded by Mr. Vollmer. Motion carried.

NEXT MEETING was scheduled for August 15 at 8:30 AM MDT.

ADJOURNMENT

Mr. Brinton made a motion to adjourn the meeting at 11:57 AM. It was seconded by Mr. Morgan. Motion carried.

Brad Janoush, Chair

Eric J Brinton

Douglas D Vollmer

Paul J Morgan

H Scott Calhoun

Tana Cory, Bureau Chief